

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 L-03
/034 W

-----097532 181110Z /13

R 180844Z JUL 77
FM AMEMBASSY BERN
TO SECSTATE WASHDC 4637
INFO AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY PARIS

LIMITED OFFICIAL USE BERN 3226

E.O. 11652: N/A
TAGS: EAIR, SZ
SUBJECT: CIVAIR: RENEWAL OF MEMORANDUM OF UNDERSTANDING
ON CHARTERS

REF: A) STATE 157268, B) BERN 3097

1. SUMMARY: SWISS FEDERAL AIR OFFICER DEPUTY DIRECTOR KUENZI HAS SIGNED RENEWED MEMORANDUM OF UNDERSTANDING ON BEHALF OF FULDIMANN IN FORM OF LETTER ADDRESSED TO AMBASSADOR DATED JULY 14, 1977, WHICH INCORPORATED CHANGES REPORTED IN REF B. HOWEVER, EMBASSY REQUIRES DEPT GUIDANCE WHETHER TO PROCEED WITH EXCHANGE OF LETTERS IN VIEW OF COVERING LETTER THAT KUENZI SENT WHICH EXPRESSES SWISS VIEWS ON POSSIBLE US MODIFICATION TO PRESENT ABC PRELISTING AND MINIMUM DURATION PERIODS. END SUMMARY

2. ALONG WITH SIGNED MOU, KUENZI ALSO SIGNED ON BEHALF OF GULDIMANN COVERING LETTER DATED JULY 14 ADDRESSED TO EMBASSY ECON OFFICER BIZIC AS FOLLOWS:
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QTE REFERENCE IS MADE TO YOUR RECENT VISIT IN OUR OFFICE AND COMMENTS MADE BY US AUTHORITIES REGARDING PROPOSED EXCHANGE OF LETTERS ON CHARTER TRAFFIC BETWEEN THE TWO COUNTRIES. IN MEANTIME WE HAVE GIVEN CAREFUL CONSIDERATION TO CHANGES SUGGESTED BY YOUR AUTHORITIES AND ARE GLAD TO INFORM YOU THAT WE HAVE NO LEGAL OR OTHER DIFFICUL-

TIES TO ACCEPT THEM. WE SHOULD HOWEVER DRAW YOUR ATTENTION TO PART A, PARA 4, OF ENCLOSED 'EXCHANGE OF LETTERS' IN WHICH IT IS STATED THAT ALL MODIFICATIONS OTHER THAN OF TECHNICAL OR ADMINISTRATIVE NATURE SHALL BE BROUGHT TO ATTENTION OF AIR TRANSPORT AUTHORITY OF THE OTHER COUNTRY. IN THIS CONTEXT WE SHOULD LIKE TO STRESS THAT WE WOULD CONSIDER E.G. A MODIFICATION OF PRESENT PRELISTING PERIOD OR MINIMUM STAY REQUIREMENT FOR ABC FLIGHTS AS A SUBSTANTIAL CHANGE OF THE ABC RULE.

QTE AS ALREADY INDICATED TO YOU WE HAVE, AT LEAST FOR TIME BEING AND FOR REASONS EXPLAINED TO YOU, TO DROP PARAGRAPH 6 OF STUDENT CHARTER CATEGORY IN ANNEX TO EXCHANGE OF LETTERS CONCERNING INTRODUCTION OF PRELISTING REQUIREMENT FOR THIS TYPE FLIGHT. THIS BEING ONLY MODIFICATION FROM OUR SIDE WE ARE PLEASED TO ENCLOSE LETTER TO U.S. AMBASSADOR WHICH, AFTER SIGNATURE BY COMPETENT U.S. AUTHORITIES, SHALL PLACE CHARTER UNDERSTANDING INTO EFFECT ON DATE OF ITS RECEIPT BY THIS OFFICE. UNQTE

3. IN VIEW OF DEPT'S CONCERNS REGARDING ADDITIONAL CORRESPONDENCE RDSOTING TO MOU (PARA 3 REFTEL A), EMBOFF INFORMED STURZENEGGER THAT LIMITED OFFICIAL USE

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COVERING LETTER COULD POSSIBLY BE VIEWED AS ADDITIONAL UNDERSTANDING TO MOU THAT WOULD COMPLICATE OFFICAL RECORD FOR US, THOUGH MOU ITSELF DOES NOT REFER TO COVERING LETTER. EMBOFF SAID THAT EMBASSY WOULD REPORT CONTENTS OF LETTER TO DEPT AND ASK FOR INSTRUCTIONS WHETHER WE COULD PROCEED WITH REPLY FROM AMBASSADOR TO GULDIMANN. STURZENEGGER SAID AIR OFFICE HAD NO OBJECTION TO WAITING FOR DEPT'S REPLY, THOUGH SWISS CONSIDER MOU COMPLETE IN ITSELF. COVERING LETTER WAS MERELY INTENDED TO STRESS SWISS VIEWS WHICH EMBASSY HAD REPORTED IN REF B. STURZENEGGER ADDED THAT SWISS WOULD SEND EUROPEAN CIVIL AVIATION CONFERENCE (ECAC) COPY OF MOU BUT NOT COPY OF COVERING LETTER.

4. STURZENEGGER SAID THAT US SHOULD BEAR IN MIND THAT SWISS WOULD NOT ACCEPT PRELISTING AND DURATION PERIODS FOR ABC CHARTERS BELOW PRESENT LEVELS BECAUSE OF LEGAL PROBLEM EXPLAINED PARA 4 REF B. IN EVENT US DECIDED TO LOWER THESE PERIODS IN OCTOBER 1978 AS IS PRESENTLY FORESEEN, SWISS WOULD INVOKE MOU PARA A.4 STATING THAT REDUCTION IS SUBSTANTIAL CHANGE TO

EXISTING CHARTER RULE. SWISS WOULD THEN EXPECT U.S.
TO ASK FOR CONSULTATIONS PROVIDED FOR UNDER PARA
E.2.

STURZENEGGER STRESSED THAT US DECISION TO
REDUCE 45 DAY PRELISTING AND 7 DAY DURATION WOULD
FIRST OF ALL BE DISCUSSED IN ECAC, AT WHICH TIME
SWISS WOULD HAVE TO SAY WHETHER OR NOT THEY AGREE
WITH ECAC POSITION, BEFORE SWISS WOULD TAKE FORMAL
POSITION ON CHANGE WITH U.S.

5. ACTION REQUESTED: PLEASE ADVISE WHETHER EMBASSY
SHOULD PROCEED WITH REPLY LETTER FROM AMBASSADOR
TO GULDIMANN TO COMPLETE EXCHANGE OF LETTERS FOR MOU
RENEWAL.

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AVIATION AGREEMENTS, GUIDANCE INSTRUCTIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 18-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BERN03226
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770254-0978
Format: TEL
From: BERN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770749/aaaabpti.tel
Line Count: 137
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b0ec356a-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 157268, 77 BERN 3097
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1834627
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: RENEWAL OF MEMORANDUM OF UNDERSTANDING ON CHARTERS
TAGS: EAIR, SZ, (KUENZI)
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/b0ec356a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009